

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

March 4, 2010

**5:30 P.M.**

**MINUTES**

**Present:** Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

**Absent:** None

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** that the Minutes of the regular meeting of the Common Council held on February 25, 2010 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending March 3, 2010 in the amount of \$ 237,361.18 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of February 25 – March 3, 2010
- Report from the Building Inspector's Office from February 16 – February 26, 2010

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Valentine; Seconded by Councilor Rabideau

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**4 CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None**

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**5. AUDIT OF CLAIMS:**

**RESOLVED:** That the bills approved by the Auditing Committee of the Common Council in the

amount of \$ 390,990.87 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

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## 6. PERSONS ADDRESSING COUNCIL:

**Doug Butdorf** 64 Trafalgar Drive spoke about “Initial Item # 1” the 2 year renewal agreement and also gave updates on the Plattsburgh Community Garden and other upcoming events. They have a CSA event at Checker Hills Farm. Plattsburgh Community Garden is working with the Green Committee to move forward the earth week events specifically on April 17<sup>th</sup> they will be cosponsoring that event and utilizing their certificate of insurance which is already on file with the City Clerk for that event and utilization of the Farmers Market pavilion so they hopefully can avoid any problems associated with that event.

**Councilor Rabideau** stated that they normally don’t do 2 year resolutions why is there a 2 year resolution.

**Mayor Kasprzak** stated that originally it was for 4 years but he passed it by a few department heads that were working with the Community Garden folks and they felt 2 was acceptable and that was their recommendation.

**Councilor Jackson** asked if they had any trouble with vandalism at the Community Garden. **Doug Butdorf** stated no they had no problem with vandalism.

**Councilor Kelly** asked **Doug Butdorf** to explain what “CSA” means.

**Doug Butdorf** stated it means Community Supported Agriculture Farm which is where members of the local community can partner with a farmer and pay in advance of the seasons harvest for a share of that harvest as the season goes along.

**Karen Derusha** 27 ½ Couch Street and she works for the Adirondack Tobacco Free Network and she is here if they had any questions about “Initial Item # 5” the request for tobacco free policy for the parks and playgrounds. She wanted to mention how important it is to have tobacco free parks, etc it sets the example for the youth and hopefully the next generation will be tobacco free. **Karen Derusha** submitted list of Tobacco Free Parks, Beaches, Playgrounds in NY State.

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## 7. OTHER ITEMS:

**A. RESOLVED:** In accordance with the request therefore the Common Council approves Bill Treacy, Manager MLD to advertise for sealed bid for PMLD BID NO. 2010-3-1 “Purchase Revenue Electric Meters.” Bid Opening Date: March 30, 2010 at 11:00 am.

By Councilor Kelly; Second by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLVED:** In accordance with the request therefore the Common Council approves the Mayor be authorized to sign and enter into agreement T006961 with the New York State Dept. of State (Local Waterfront Revitalization Program) it being understood that funds expended at the Wilcox Dock site will be used as the 50% match.

By Councilor Carpenter; Second by Councilor Calnon

Discussion: No

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**C. RESOLVED:** In accordance with the request therefore the Common Council approves that WPCP Contract #2010-01 "Laboratory Services" be awarded to Adirondack Environmental Services, Albany, NY for the total price of \$24,585 and that the Mayor be authorized to sign to execute the necessary contract agreement for this work to commence.

By Councilor Jackson; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**D. RESOLVED:** In accordance with the request therefore the Common Council approves that WPCP Contract #2010-02 for "Polymer Chemical" be awarded to George S Coyne Chemical Co., Inc, Croydon, PA. The total bid was \$18,239.98 for the year.

By Councilor Jackson; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**E. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign the Standard Federal Aid Highway & Marchiselli Aid Project Agreement, Comptrollers Contract No: D032301 for "South Catherine Street Reconstruction."

By Councilor Kelly; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**F. RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor and Corporation Counsel John Clute are authorized to sign stipulation settling tax proceeding in case of CVPH v. City of Plattsburgh.

By Councilor Rabideau; Second by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**G. RESOLVED:** In accordance with the request therefore the Common Council approves the City Chamberlain to adjust the 2010 budget to eliminate the asset seizure funded police officer positions. The budget adjustment will create no net change to the total 2010 budget.

By Councilor Calnon; Second by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**H. RESOLUTION** Authorization to retain Camoin Associates to prepare grant application for St. Charles Street water/sewer improvements; public hearings.

**RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign a consulting Contract with Camoin Associates to prepare a grant application to New York State to pay the cost of water and sewer line improvements on St. Charles Street. The cost of such services, \$10,000 dollars, shall be paid from funds appropriated for consulting services in the Community Development Department's 2010 budget. A copy of the proposed contract is made part of the minutes of this meeting; further

**RESOLVED:** In accordance with the request therefore the Common Council approves that the Mayor is authorized to set the dates for public hearings and information sessions in connection with the grant application.

By Councilor Valentine; Second by Councilor Jackson

Discussion:

**Mayor Kasprzak** announced 2 public hearings: The first public hearing will be held at 4:30 pm on March 11, 2010 in the Common Council Chambers. The City will describe the Community Development Block Grant Program and will seek public input on the proposed 2010 CDBG application. The second public hearing will be held at 4:30 pm on April 15, 2010 in the Common Council Chambers. The City will describe the proposed community development activities to be included in the 2010 CDBG application.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**I. RESOLVED:** In accordance with the request therefore the Common Council approves Mackenzie Bola to hold a walk for CHARGE in memory of her beloved son, Jacob D. Bola on June 12, 2010 at 10 a.m. on the Terry Gordon Bike Path all proceeds will be going to Charge Syndrome Foundation at 141 Middle Neck Road Sands Point, NY 11010.

By Councilor Kelly; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**J. Motion to waive rule 4 for initial consideration** “Request from the Plattsburgh Housing Authority that the Mayor is authorized to sign an Amendment to Loan and Subsidy Contract with respect to the Hortense B. Sterns Apartments, a copy of which is ordered made part of the minutes of this meeting and “Request from the Plattsburgh Housing Authority the Mayor is authorized to sign Amendment No. 6 to a Cooperation Agreement between the Plattsburgh Housing Authority and the City of Plattsburgh, a copy of which is ordered made part of the minutes of this meeting.”

By Councilor Jackson; Second by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

**RESOLVED:** In accordance with the request therefore the Common Council the Mayor is authorized to sign an Amendment to Loan and Subsidy Contract with respect to the Hortense B. Sterns Apartments, a copy of which is ordered made part of the minutes of this meeting

By Councilor Jackson; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

**RESOLVED:** In accordance with the request therefore the Common Council Authority the Mayor is authorized to sign Amendment No. 6 to a Cooperation Agreement between the Plattsburgh Housing Authority and the City of Plattsburgh, a copy of which is ordered made part of the minutes of this meeting.

By Councilor Jackson; Second by Councilor Kelly

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

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**8. TRAVEL REQUEST: None**

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**9. RESOLUTIONS FOR INITIAL CONSIDERATION:**

1. Request from the Superintendent of Recreation that the Mayor be authorized to sign a two-year renewal agreement with the Plattsburgh Community Garden Group for use of land in Melissa Penfield Park.
2. Request from the City Chamberlain to establish a capital project for general street resurfacing and repairs as detailed in the 2010 Capital Expenditure Plan adopted by the Common Council on January 14<sup>th</sup>, 2010.
3. Request from Jonathan Ruff, Environmental Manager to award contract to study the potential odor, noise and aesthetic impacts from the WPCP on waterfront redevelopment and to develop and design mitigation measures to CDM in the amount not to exceed \$75,000 and the costs will be paid by Department of State.
4. Request from Jonathan Ruff, Environmental Manager to approve a change order No. 1 to Contract # 2009-06 for "WPCP Roof Replacement Project" reducing the contract amount by \$5,000.
5. Request from the Superintendent of Recreation and Karen Derusha of the Adirondack Tobacco Free Network for the Common Council to adopt a Tobacco Free Policy in all city parks and at the City Beach in accordance with the attached policy.
6. THE MAYOR HANDS DOWN THE APPOINTMENT OF POLICE OFFICER TO JONATHAN FORBES EFFECTIVE MARCH 20, 2010 PENDING THE SUCCESSFUL COMPLETION OF A ONE YEAR PROBATIONARY PERIOD. (**Move to agenda under "new business" by Mayor**)

7. THE MAYOR HANDS DOWN THE APPOINTMENT OF POLICE OFFICER TO RICHARD TUCKER III EFFECTIVE MARCH 20, 2010 PENDING THE SUCCESSFUL COMPLETION OF A ONE YEAR PROBATIONARY PERIOD. (Move to agenda under “new business” by Mayor)
8. Request from the Plattsburgh Housing Authority that the Mayor is authorized to sign an Amendment to Loan and Subsidy Contract with respect to the Hortense B. Sterns Apartments, a copy of which is ordered made part of the minutes of this meeting. (Move to agenda under “Other Items” Letter J)
9. Request from the Plattsburgh Housing Authority the Mayor is authorized to sign Amendment No. 6 to a Cooperation Agreement between the Plattsburgh Housing Authority and the City of Plattsburgh, a copy of which is ordered made part of the minutes of this meeting. (Move to agenda under “Other Items” Letter J)
10. Request from Fire Chief Paul Williams to attend the “New York State Career Chiefs Meeting in Valhalla, NY on March 16, 2010 at an estimated cost not to exceed \$350.

**Councilor Valentine** stated she learned during the break that part of the criteria for the Saranac River Trail grant required that it be a tobacco free area. **Engineer Kevin Farrington** stated that was true of the smaller mini grants they received from the health department. **Councilor Valentine** would like to amend #5 language to include “recreational trails, multi-use paths and at the City Beach...”

**Councilor Valentine** wanted to answer **Councilor Rabideau’s** question whether or not we had 2 year contracts if she remembers correctly we have a 2 year contract with our sludge removal company. She remembers questioning having more than a 1 year contract because of the monetary commitment.

**Councilor Rabideau** stated he brought it up because we had people who wanted to lease parking spaces for more than 1 year and we decided to only grant 1 year.

**Councilor Valentine** wanted to bring up because they haven’t really set precedent if that is where he was going.

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## 10. NEW BUSINESS:

**MAYOR KASPRZAK** HANDS DOWN THE APPOINTMENT OF POLICE OFFICER TO JONATHAN FORBES EFFECTIVE MARCH 20, 2010 PENDING THE SUCCESSFUL COMPLETION OF A ONE YEAR PROBATIONARY PERIOD.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**MAYOR KASPRZAK** HANDS DOWN THE APPOINTMENT OF POLICE OFFICER TO RICHARD

TUCKER III EFFECTIVE MARCH 20, 2010 PENDING THE SUCCESSFUL COMPLETION OF A ONE YEAR PROBATIONARY PERIOD.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**Mayor Kasprzak** wanted to remind everyone they have a meeting with the Library Board next Tuesday, March 9<sup>th</sup> at 5:30 pm in the Chambers.

**Councilor Kelly** was approached by a person who lives in **Councilor Carpenter's** ward regarding "Chickens" this week He did some research and we don't currently allow flocks of chickens in our city. This gentleman would like to keep a small flock of 2 or 3 chickens in his backyard so **Councilor Kelly** told him he would pursue it on his behalf and it would require a change in zoning law. **Councilor Kelly** would like to propose that we alter that law to allow very small flocks of chickens say up to 3. No roosters because they make noise, the chickens would have to be contained in a pen, but they would have to have access to fresh air not in a coop all the time and the person who would wish to keep chickens in their backyards would have to keep them away from property lines by a safe distance and obtain consent of their neighbors and make sure their neighbors were ok with it. His first response is why the heck do we want to do something like this but it was pointed out to him that a flock of chickens are good pets and make less noise than a barking dog and he couldn't disagree with it. Cities all over America have relaxed their chicken ordinances so families can grow small flocks of chickens 2 or 3 at a time. So he would like for them to consider this. He asked **Corporation Counsel John Clute** if it would be too hasty to have this as an item for initial resolution next week.

**Corporation Counsel John Clute** stated it wouldn't be too hasty to have the formal legislation that you would like to introduce. Before you could enact it we would need to send it to the planning boards to see what their comments or suggestions were. He doesn't think you could vote on it next week but you could look at it.

**Councilor Kelly** said they couldn't vote on it next week?

**Corporation Counsel John Clute** said no the process is when you are amending City Zone ordinances particularly when you are changing permitted uses there are a couple of things that come in to play. First you have to refer to the City Planning Board and you can do these things simultaneously. Also, because it is change in allowing use in the City and throughout the City you have to sit at the County Planning Board for their comments. Usually on something like this they probably would say it is a local issue and we don't have any comment. But it is just to get the Planning Board input on what you are contemplating doing.

**Councilor Kelly** said should we do that before we make it a resolution.

**Corporation Counsel John Clute** said you have to do that before you can vote on the resolution. He can prepare the resolution you can look at it see whether or not the conditions you propose make sense to you and then they would send it on for their comments or recommendations and then either they would make a comment or they would make no comment and then we would be in a position to vote on it.



**Councilor Valentine** asked if **Corporation Counsel John Clute** could draft up a first draft and they could review because she would like some input and thinks it should be a “permitted” process meaning a permit required and some other fairly significant boundaries to being allowed to have chickens and need to know who is going to oversee the permits and the inspections. She thinks there is a lot of things we need to work out before it goes to the Planning Board and she went to couple of the websites and was surprised to find that even New York City allows people to have chickens. It seems like there is a lot to consider and she is afraid of dogs, cats and other animals getting in to chicken coops and killing the chickens and thinks we need some more open dialogue about it before they send it to the Planning Board.

**Mayor Kasprzak** stated he has his reservations about changing it and he will voice his opinion more in detail when the time comes.

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## **11. CLOSING PUBLIC COMMENTS:**

**Doug Butdorf** 64 Trafalgar Drive he wanted to reiterate one thing that the Plattsburgh Community Garden group has done to help alleviate any risk associated to the license this year and next year each year they will set aside \$300 of their budget in an area that is to be used solely for the purpose of putting back the park to grass land if they decide at some point in the future that they don’t want to have the Community Garden there or the license doesn’t get renewed.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Carpenter  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**MEETING ADJOURNED: 5:56 pm**